

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:
PARENTS ON BEHALF OF STUDENT,

v.

ETIWANDA SCHOOL DISTRICT.
OAH CASE NUMBER 2021070856

ORDER DENYING MOTION TO CONSOLIDATE

JANUARY 11, 2022

On July 27, 2021, Parents on behalf of Student filed with the Office of Administrative Hearings, called OAH, a Request for Due Process Hearing in OAH case number 2021070856, Student's Case, naming Etiwanda School District. On November 19, 2021, Etiwanda filed a Request for Due Process Hearing in OAH case number 2021110576, Etiwanda's Case, naming Student.

On January 4, 2022, Student filed a Motion to Consolidate the cases. On January 5, 2022, Etiwanda opposed the motion based upon the cases having different questions of law.

CONSOLIDATION

No statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases. However, OAH will generally consolidate matters that involve the same parties, a common question of law and/or fact, and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, Students' Case alleges 15 issues pertaining to whether Etiwanda appropriately assessed and offered Student a free appropriate public education, through April 2021. Etiwanda's Case asserts one issue, whether it may assess Student for a triennial assessment, pursuant to an August 6, 2021 assessment plan, without Parents' consent. Student's Case and Etiwanda's do not involve a common question of law or fact. Specifically, the issues asserted in Student's case do not involve common questions of law or fact with the issue asserted in Etiwanda's Case. Therefore, consolidation does not further the interests of judicial economy and Student's request is denied.

ORDER

1. Student's Motion to Consolidate is denied.

IT IS SO ORDERED.

Paul H. Kamoroff
Paul H. Kamoroff (Jan 12, 2022 08:09 PST)

Paul H Kamoroff

Administrative Law Judge

Office of Administrative Hearings